



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,687	09/23/2003	Assad Radpour	1033-T00541	1042

60533 7590 08/28/2007

TOLER SCHAFFER, LLP
8500 BLUFFSTONE COVE
SUITE A201
AUSTIN, TX 78759

EXAMINER

FOX, BRYAN J

ART UNIT	PAPER NUMBER
----------	--------------

2617

MAIL DATE	DELIVERY MODE
-----------	---------------

08/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/668,687

Applicant(s)

RADPOUR, ASSAD

Examiner

Bryan J. Fox

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-8, 27-31 and 45-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-8, 27-31 and 45-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Art Unit: 2617

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 5-8, 29, 31, 45, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore JR. (U.S. 2003/0039242 A1) in view of Abrol et al (U.S. 7,068,669 B2) and further in view of Trott (EP 1,107,549 A2).

As to **claim 1**, Moore discloses an apparatus and method which allow a mobile handset to automatically route telephony and Internet Protocol (IP) data traffic to either a Voice Over IP network (or other network) or a mobile telephony network based on whether the mobile handset is within range of a residential VoIP gateway, reading on claimed "wireless network base station," (paragraph 1). Moore also discloses a mobile handset 10, reading on claimed "mobile communication device," comprising a transceiver 130 enabled for communication with the mobile telephone network and the

Art Unit: 2617

VoIP network (paragraph 44), reading on claimed "mobile telephone circuitry configured to communicate with a mobile telephony network using a mobile communication protocol, the mobile telephony circuitry coupled to the antenna." Moore also discloses a processor 110 is provided for determining whether the mobile handset 10 is within the range of the local network (paragraph 44) and if the handset is within the range of the local network, data traffic may be routed to and from the handset 10 via the VoIP telephone network (paragraph 44), reading on claimed "a service request module configured to determine proximity to a wireless network base station using a wireless data network protocol and configured to establish a communication path via the wireless data network protocol." Moore also discloses the mobile handset 10 has a gateway interface 120 that is provided for communicating with the local network of a VoIP gateway of the VoIP telephone network (paragraph 44) and the handset 10 is within the range of the local network 15, data traffic may be routed to and from the handset 10 via the VoIP telephone network 15 (paragraph 29) where the data traffic may comprise at least one of telephony traffic and IP data traffic (paragraph 31), reading on claimed "a voice conversion module configured to convert between voice communication and data packets to be communicated using the wireless data network protocol with the wireless network base station." It is inherent that the mobile station contains a voice conversion module in order to communicate telephone traffic to the VoIP telephone network. It is further inherent that the mobile station would comprise an antenna to communicate with both the mobile network and the VoIP network.

Art Unit: 2617

However, Moore fails to disclose the service request module is configured to periodically send a session continuation request to the wireless base station after the communication path is established to maintain the communication path. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Abrol.

In an analogous art, Abrol teaches the service request module is configured to periodically send a session continuation request to the wireless base station after the communication path is established to maintain the communication path (**column 7, lines 28-31, lines 51-63**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the mobile communication device and service request module, as disclosed by Moore, the service request module is configured to periodically send a session continuation request to the wireless base station after the communication path is established to maintain the communication path, as taught by Abrol, to enable a mobile device to maintain IP connections while moving between networks. The combination of Moore and Abrol fails to disclose interfacing to plain old telephone service (POTS).

In an analogous art, Trott discloses a handset for use with the base station characterized in that a phone call initiated from the premises via the handset is converted into a VoIP telephone call via the base station and incoming calls are received via a Pot's telephone system and can be answered by the selective use of handsets for the VoIP or POT's telephone systems (paragraph 5), which reads on the

Art Unit: 2617

claimed, "the wireless network base station converts between the data packets communicated using the wireless data network protocol and voice communication to be communicated using plain old telephone service."

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Moore and Abrol with Trott to include the above interface with the plain old telephone system in order to take advantage of the benefits of the plain old telephone service, such as operation during power loss and eliminating the need for a new telephone number as suggested by Trott (**paragraph 3**).

As to **claim 5**, Moore, Abrol and Trott teach everything as applied in claim 1 and Moore further discloses the wireless data protocol could be IEEE 802.11 (Moore paragraph 23), reading on claimed "wireless data network protocol includes an IEEE 802.11 based protocol."

As to **claim 6**, Moore, Abrol and Trott teach everything as applied in claim 1 and Moore further discloses the wireless data protocol could be Bluetooth (Moore paragraph 27), reading on claimed "wireless data network protocol includes an Bluetooth based protocol."

As to **claim 7**, Moore, Abrol and Trott teach everything as applied in claim 1 and Moore further discloses the mobile communication protocol could be iDEN network, TDMA, CDMA, CDMA-200, GSM (Moore paragraph 20), reading on claimed "mobile communication protocol is associated with at least one of GSM and CDMA."

As to **claim 8**, Moore, Abrol and Trott teach everything as applied in claim 1 and Moore further discloses the mobile handset 10 may enable forwarding telephone calls

Art Unit: 2617

from the mobile telephone network 30 to the VoIP telephone network 25 by sending a command to the mobile telephone network 30 to forward incoming telephone calls to the telephone number of the VoIP gateway 20 (Moore paragraph 47), reading on claimed "the voice communication is communicated as VoIP using the data packets."

As to **claim 29**, Moore, Abrol and Trott teach everything as applied in claim 1 and Moore also discloses a VoIP gateway 20 for the VoIP telephone network 25 is provided and a cable modem 22 allows communication between the handset 10 and the VoIP telephone network 25 via the VoIP gateway 20 and a local network 15 is provided for connecting the handset 10 to the VoIP gateway 20 (Moore paragraph 29). Moore also discloses to enable the forwarding of telephone calls from the mobile telephone network 30 to the VoIP telephone network 25, the handset 10 may first request the telephone number of the VoIP gateway 20, and then send a command to the mobile telephone network 30 instructing the mobile telephone network 30 to forward incoming telephone calls to a telephone number of the VoIP gateway 20 via the VoIP telephone network 25 (Moore paragraph 34), reading on claimed "the wireless network base station is configured to send the call control message to the registration system via a modem."

As to **claim 31**, Moore, Abrol and Trott teach everything as applied in claim 1 and Moore discloses everything as applied in claim 29 and Moore also discloses the protocols used to implement the present invention may include one or more of the following: Digital Subscriber Line (DSL) Modems and Networks (Moore paragraph 25), reading on claimed "the modem includes a digital subscriber line (DSL) modem."

Art Unit: 2617

As to **claim 45**, Moore, Abrol and Trott teaches everything as demonstrated in claim 1 above; however, Moore fails to disclose the wireless network base station is configured to send a call control message to a registration system associated with the mobile telephony network after failing to receive a session continuation request from the wireless mobile communication device. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Abrol.

Abrol also teaches the wireless network base station is configured to send a call control message to a registration system associated with the mobile telephony network after failing to receive a session continuation request from the wireless mobile communication device (**column 9, lines 66-67; column 10, line 1**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the mobile communication device and the wireless network base station, taught by Moore and Abrol, the wireless network base station is configured to send a call control message to a registration system associated with the mobile telephony network after failing to receive a session continuation request from the wireless mobile communication device, as taught by Abrol, to enable a mobile device to maintain IP connections while moving between networks. The combination of Moore and Abrol fails to disclose interfacing to plain old telephone service (POTS).

In an analogous art, Trott discloses a handset for use with the base station characterized in that a phone call initiated from the premises via the handset is converted into a VoIP telephone call via the base station and incoming calls are received via a POT's telephone system and can be answered by the selective use of

Art Unit: 2617

handsets for the VoIP or POT's telephone systems (paragraph 5), which reads on the claimed, "the wireless network base station converts between the data packets communicated using the wireless data network protocol and voice communication to be communicated using plain old telephone service."

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Moore and Abrol with Trott to include the above interface with the plain old telephone system in order to take advantage of the benefits of the plain old telephone service, such as operation during power loss and eliminating the need for a new telephone number as suggested by Trott (**paragraph 3**).

As to **claim 46**, Moore, Abrol and Trott teaches everything as demonstrated in claim 1 and Abrol teaches everything as applied in claim 45; however, Moore fails to disclose the call control message cancels redirection of calls addressing the mobile communication device via the mobile telephony network. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Abrol.

Abrol also teaches the call control message cancels redirection of calls addressing the mobile communication device via the mobile telephony network (**column 9, lines 28-31; column 9, lines 66-67; column 10, line 1**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the mobile communication device and the wireless network base station, taught by Moore and Abrol, the wireless network base station is configured to send a call control message to a registration system associated with the mobile telephony network after failing to receive a session continuation request from the

Art Unit: 2617

wireless mobile communication device, as taught by Abrol, the call control message cancels redirection of calls addressing the mobile communication device via the mobile telephony network, as taught by Abrol, to enable a mobile device to maintain IP connections while moving between networks. The combination of Moore and Abrol fails to disclose interfacing to plain old telephone service (POTS).

In an analogous art, Trott discloses a handset for use with the base station characterized in that a phone call initiated from the premises via the handset is converted into a VoIP telephone call via the base station and incoming calls are received via a POT's telephone system and can be answered by the selective use of handsets for the VoIP or POT's telephone systems (**paragraph 5**), which reads on the claimed, "the wireless network base station converts between the data packets communicated using the wireless data network protocol and voice communication to be communicated using plain old telephone service."

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Moore and Abrol with Trott to include the above interface with the plain old telephone system in order to take advantage of the benefits of the plain old telephone service, such as operation during power loss and eliminating the need for a new telephone number as suggested by Trott (**paragraph 3**).

Claims 2-8, 27-28, 30, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore in view of Abrol and Trott as applied to claims 2-3, 5-8, 27-31 above, and further in view of Akhavan (U.S. 5,920,815 A).

As to **claim 2**, Moore, Abrol and Trott teaches everything as applied in claim 1; however, neither Moore nor Abrol nor Trott teaches the wireless network base station is configured to send a call control message to a registration system associated with the mobile telephony network after the mobile communication device initiates establishing the communication path to the wireless network base station. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Akhavan.

Akhavan also teaches the wireless network base station is configured to send a call control message to a registration system associated with the mobile telephony network in regards to the proximity of the mobile communication device and the wireless network base station (column 17, lines 45-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the mobile communication device, as taught by Moore, Abrol and Trott, the wireless network base station is configured to send a call control message to a registration system associated with the mobile telephony network in regards to the proximity of the mobile communication device and the wireless network base station, also taught by Akhavan, to enable a mobile subscriber to avoid cellular charge rates when the subscriber is in range of its home/local telephone base station.

Art Unit: 2617

As to **claim 3**, Moore, Abrol and Trott teach everything as applied in claim 1 and Akhavan teaches everything as applied in claim 2; however, Moore, Abrol and Trott fails to disclose the call control message establishes redirection of calls addressing the mobile communication device via the mobile telephony network to a public switched telephone network address associated with the wireless network base station. The Examiner maintains this feature was old and well known in the art at the time of invention as taught by Akhavan.

Akhavan also teaches the call control message establishes redirection of calls addressing the mobile communication device via the mobile telephony network to a public switched telephone network address associated with the wireless network base station (column 17, lines 45-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the mobile communication device, as taught by Moore, Abrol and Trott, the call control message establishes redirection of calls addressing the mobile communication device via the mobile telephony network to a public switched telephone network address associated with the wireless network base station, also taught by Akhavan, to enable a mobile subscriber to avoid cellular charge rates when the subscriber is in range of its home/local telephone base station.

As to **claim 27**, Moore, Abrol and Trott teach everything as applied in claim 1; however, Moore, Abrol and Trott fail to disclose the power circuitry is configured to selectively power the service request module when the mobile communication device is within range of the wireless network base station. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Akhavan.

Art Unit: 2617

Akhavan also teaches the power circuitry is configured to selectively power the service request module when the mobile communication device is within range of the wireless network base station (column 19, lines 26-32, 48-59).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the mobile communication device, as taught by Moore, Abrol and Trott, the power circuitry is configured to selectively power the service request module when the mobile communication device is within range of the wireless network base station, also taught by Akhavan, to enable a mobile subscriber to avoid cellular charge rates when the subscriber is in range of its home/local telephone base station.

As to **claim 28**, Moore, Abrol and Trott teach everything as applied in claim 1 and Akhavan teaches everything as applied in claim 27; however, Moore, Abrol and Trott fails to disclose the power circuitry is configured to selectively power the mobile telephony circuitry when the mobile communication device is out of range of the wireless network base station. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Akhavan.

Akhavan also teaches the power circuitry is configured to selectively power the mobile telephony circuitry when the mobile communication device is out of range of the wireless network base station (column 19, lines 26-32, 48-59).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the mobile communication device and power circuitry, taught by Moore, Abrol and Trott, the power circuitry is configured to selectively power the service request module when the mobile communication device is within range of the

Art Unit: 2617

wireless network base station, also taught by Akhavan, the power circuitry is configured to selectively power the mobile telephony circuitry when the mobile communication device is out of range of the wireless network base station, also taught by Akhavan, to enable a mobile subscriber to avoid cellular charge rates when the subscriber is in range of its home/local telephone base station.

As to **claim 30**, Moore, Abrol and Trott teach everything as applied in claim 1 and Moore discloses everything as applied in claim 29; however, Moore, Abrol and Trott fail to specifically disclose the modem includes a dial-up modem. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Akhavan.

Akhavan also teaches the modem includes a dial-up modem (column 17, lines 25-28, 63-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the mobile communication device, taught by Moore, Abrol and Trott, the modem, disclosed by Moore, the modem includes a dial-up modem, also taught by Akhavan, to enable a mobile subscriber to avoid cellular charge rates when the subscriber is in range of its home/local telephone base station.

As to **claim 52**, Moore, Abrol and Trott teach everything as applied in claim 1 and Moore discloses everything as applied in claim 29; however, Moore, Abrol and Trott fail to specifically disclose power circuitry configured to selectively power one of the mobile telephone circuitry or the service request module based on the proximity to the wireless network base station.

Art Unit: 2617

Akhavan teaches power circuitry configured to selectively power one of the mobile telephone circuitry or the service request module based on the proximity to the wireless network base station (column 19, lines 26-32; 48-59).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the mobile communication device, taught by Moore, Abrol and Trott, to comprise power circuitry configured to selectively power one of the mobile telephone circuitry or the service request module based on the proximity to the wireless network base station, as taught by Akhavan, to enable a mobile subscriber to avoid cellular charge rates when the subscriber is in range of its home/local telephone base station.

Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moore, Abrol, Trott and Akhavan as applied to claims 1 and 3 above, and further in view of Carr *et al* (U.S. 6,091,948 A).

As to **claim 47**, Moore, Abrol and Trott teach everything as applied in claim 1 and Akhavan teaches everything as applied in claim 3; however, Moore, Abrol, Trott nor Akhavan teaches when a user turns off the mobile communication device after redirection of calls is established, the user is queried whether to continue redirection of calls. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Carr.

In an analogous art, Carr teaches when a user turns off the mobile communication device after redirection of calls is established, the user is queried whether to continue redirection of calls (**column 10, lines 11-29**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the mobile communication device, as taught by Moore, Abrol and Trott, the call control message establishes redirection of calls addressing the mobile communication device via the mobile telephony network to a public switched telephone network address associated with the wireless network base station, also taught by Akhavan, a user turns off the mobile communication device after redirection of calls is established, the user is queried whether to continue redirection of calls, as taught by Carr, to enable a mobile user to control call forwarding options when a user is within range of a local base station.

Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moore in view of Abrol and Trott as applied to claim 1 above, and further in view of Byrne (U.S. 6,708,028 B1).

As to **claim 48**, Moore, Abrol and Trott teaches everything as demonstrated in claim 1; however, neither Moore nor Abrol teaches a user attempting to place a call using the mobile communication device is prompted to select between placing the call via the mobile telephony network or via the wireless network base station. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Byrne.

In an analogous art, Byrne also teaches a user attempting to place a call using the mobile communication device is prompted to select between placing the call via the mobile telephony network or via the wireless network base station (**column 2, lines 34-39**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the mobile communication device, taught by Moore, Abrol and Trott, a user attempting to place a call using the mobile communication device is prompted to select between placing the call via the mobile telephony network or via the wireless network base station, as taught by Byrne, to enable a user of the mobile device to choose which system to use.

Claims 49-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore in view of Abrol and Trott as applied to claim 1 above, and further in view of Wilhelm (U.S. 6,950,675 B2).

As to **claim 49**, Moore, Abrol and Trott teach everything as applied in claim 1 above; however, neither Moore, Abrol nor Trott teaches the service request module is configured to receive a wireless access point signal including an identification associated with the wireless network base station and to determine whether the wireless network base station is a pre-selected wireless network base station based on the identification. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Wilhelm.

Art Unit: 2617

In analogous art, Wilhelm teaches the service request module is configured to receive a wireless access point signal including an identification associated with the wireless network base station and to determine whether the wireless network base station is a pre-selected wireless network base station based on the identification **(column 7, lines 18-25)**.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the mobile communication device and service request module, as taught by Moore, Abrol and Trott, the service request module is configured to receive a wireless access point signal including an identification associated with the wireless network base station and to determine whether the wireless network base station is a pre-selected wireless network base station based on the identification, as taught by Wilhelm, to enable the mobile device to recognize particular radio systems.

As to **claim 50**, Moore, Abrol and Trott teach everything as applied in claim 1 above and Wilhelm teaches everything as applied in claim 49; however, neither Moore, Abrol nor Trott teaches the wireless network base station is determined to be pre-selected wireless network base station, establishing the communication path via the wireless data network protocol. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Wilhelm.

In analogous art, Wilhelm teaches the wireless network base station is determined to be pre-selected wireless network base station, establishing the communication path via the wireless data network protocol **(column 7, lines 43-61)**.

Art Unit: 2617

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the mobile communication device and service request module, as taught by Moore, Abrol and Trott, the service request module is configured to receive a wireless access point signal including an identification associated with the wireless network base station and to determine whether the wireless network base station is a pre-selected wireless network base station based on the identification, as taught by Wilhelm, the wireless network base station is determined to be pre-selected wireless network base station, establishing the communication path via the wireless data network protocol, also taught by Wilhelm, to enable the mobile device to recognize particular radio systems.

As to **claim 51**, Moore, Abrol and Trott teach everything as applied in claim 1 above and Wilhelm teaches everything as applied in claim 49; however, neither Moore, Abrol nor Trott teaches the wireless network base station is determined to be a pre-selected wireless network base station, querying a user whether to establish the communication path via the wireless data network protocol. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Wilhelm.

In analogous art, Wilhelm teaches the wireless network base station is determined to be a pre-selected wireless network base station, querying a user whether to establish the communication path via the wireless data network protocol (**column 7, lines 43-61**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the mobile communication device and service request

module, as taught by Moore, Abrol and Trott, the service request module is configured to receive a wireless access point signal including an identification associated with the wireless network base station and to determine whether the wireless network base station is a pre-selected wireless network base station based on the identification, as taught by Wilhelm, the wireless network base station is determined to be pre-selected wireless network base station, the wireless network base station is determined to be a pre-selected wireless network base station, querying a user whether to establish the communication path via the wireless dam network protocol, also taught by Wilhelm, to enable the mobile device to recognize particular radio systems.

Response to Arguments

Applicant's arguments with respect to claims 1-3, 5-8, 27-31 and 45-52 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Forbes, Jr (US 6,763,250) discloses a rapidly deployable fixed wireless communication system and method of switching during operation of same.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan J. Fox whose telephone number is (571) 272-7908. The examiner can normally be reached on Monday through Friday 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles N. Appiah can be reached on (571) 272-7904. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Bryan Fox
August 22, 2007


CHARLES N. APPIAH
SUPERVISORY PATENT EXAMINER